



Linda S. Adams
*Secretary for
Environmental Protection*

State Water Resources Control Board

Division of Water Rights
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Arnold Schwarzenegger
Governor

NOTICE OF PUBLIC WORKSHOP

Workshop to Receive Information Regarding Policy Direction on Water Right Enforcement

Tuesday, May 1, 2007

at the conclusion of the regularly scheduled
State Water Board Meeting
and no sooner than 1:00 p.m.

Joe Serna, Jr./Cal/EPA Building
Coastal Hearing Room
1001 I Street
Sacramento, California

SUBJECT OF WORKSHOP

The State Water Resources Control Board (State Water Board) will hear comments regarding policy direction on water right enforcement, including enforcement for violation of water right permit terms and conditions and for unauthorized diversion or use of water.

BACKGROUND

Water Code section 1825 states: "It is the intent of the Legislature that the state should take vigorous action to enforce the terms and conditions of permits, licenses, certifications, and registrations to appropriate water, to enforce state board orders and decisions, and to prevent the unlawful diversion of water." The Strategic Plans for both Cal/EPA and the State Water Board identify improvement in enforcement programs as a priority. Additionally, the Legislature enacted Water Code section 1259.4, which requires that by January 2008 the State Water Board adopt a policy for principles and guidelines to maintain instream flows in coastal streams within the counties of Marin, Sonoma, Napa, Mendocino and Humboldt. This policy may include enforcement provisions.

The State Water Board has an Enforcement Policy for its Water Quality Program, but it has not adopted a similar policy for the Water Rights Program. Due to the time and costs associated with securing or amending a water right permit, there exists an economic incentive to violate water right laws. Predictable, consistent and fair enforcement is required to ensure compliance with water right laws.

California Environmental Protection Agency

MATTERS FOR DISCUSSION IN THE WORKSHOP

The purpose of the workshop is to receive comments from water right stakeholders concerning the State Water Board's water right enforcement program. The following issues are identified to focus comments and discussions on water right enforcement:

- **Should the State Water Board continue to focus its enforcement resources on a watershed basis for compliance inspections and unauthorized diversion investigations? If not, what other basis should be used?**
- **Should the State Water Board provide an opportunity for voluntary compliance or corrective actions before initiating formal enforcement actions and, if so, under what circumstances?**
- **Should the State Water Board initiate enforcement against existing applicants that are diverting water without authorization?**
- **What should the State Water Board consider in prioritizing violations for enforcement actions?**
- **If an Administrative Civil Liability (ACL) complaint is deemed appropriate, how should the ACL be calculated?**

PROCEDURAL MATTERS

The workshop will be informal. There will be no sworn testimony or cross-examination of participants, but the State Water Board and its staff may ask clarifying questions.

Participants should submit written comments prior to the workshop. At the workshop, participants will be given an opportunity to summarize and supplement their written materials with oral presentations. To ensure a productive and efficient workshop in which all participants have an opportunity to participate, oral presentations may be given time limits. Participants with similar comments are requested to make joint presentations.

Participants are requested to provide written comments by **12:00 noon on April 23, 2007**. When submitting preliminary comments, the State Water Board requests that an original and ten hard copies, plus one electronic copy be sent to:

Song Her, Clerk to the Board
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

Written comments and electronic presentations are to be submitted to the Clerk to the Board via email at commentletters@waterboards.ca.gov. Please indicate in the subject line, "**Water Right Enforcement Workshop.**"

Hand and special deliveries should also be addressed to the Clerk to the Board at the address above.

Couriers delivering comments must check in with lobby security and have them contact Song Her at (916) 341-5600 or Jeanine Townsend at (916) 341-5602.

INFORMATION REGARDING WORKSHOP

Questions concerning this notice may be directed to John O'Hagan, Chief of Enforcement Section, Division of Water Rights, at (916) 341-5368.

PARKING AND ACCESSIBILITY

The enclosed map shows the location of the Joe Serna, Jr. (Cal/EPA) Building and public parking sites in Sacramento. The Joe Serna, Jr. (Cal/EPA) Building Coastal Hearing Room is accessible to persons with disabilities.

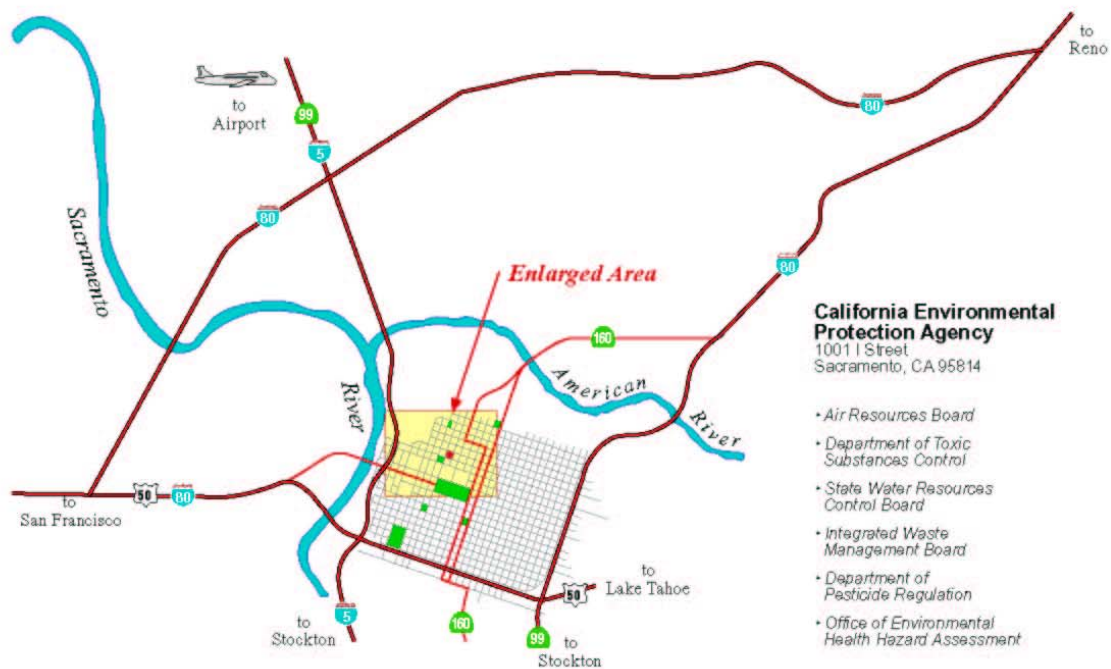
Due to enhanced security precautions at the Joe Serna, Jr. (Cal/EPA) Building, all visitors are required to sign in prior to attending any meeting. Visitors can sign in and obtain badges in the Visitor and Environmental Services Center, which is just inside and to the left of the building's public entrance. Visitors may be asked to show valid picture identification. Valid identification can take the form of a current driver's license, military identification card, or state and federal identification cards. Depending on the size and number of meetings scheduled on any given day, the security check-in could take from three to fifteen minutes. Please allow adequate time to sign in before being directed to your meeting.



Song Her
Clerk to the Board

Date: April 5, 2007

Enclosure



Parking Lot Locations



Parking Lot Locations

- Lot 1 (7th & G St.)
- Lot 2 (7th & G St.)
- Lot A (7th & Capitol)
- Lot C (14th & H St.)
- Lot G (3rd & L)
- Lot H (10th & L)
- Lot I (10th & I, 11th & I)
- Lot K (6th & J/L, 7th & K)
- Lot P (2nd & I)
- Lot U (5th & J)
- Lot W (2nd & I St.)